

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 3:22MJ5308
)	
Plaintiff,)	MAGISTRATE JUDGE DARRELL A.
)	CLAY
)	
v.)	
)	<u>GOVERNMENT'S SECOND MOTION</u>
BRYAN PERRY,)	<u>TO EXTEND TIME FOR RETURNING</u>
)	<u>INDICTMENT</u>
Defendant.)	

The United States of America, by and through its counsel, Michelle M. Baeppler, First Assistant United States Attorney, and Robert Melching, Assistant U.S. Attorney, respectfully moves this Court to extend the time for filing an information or indictment until February 17, 2023, for the reasons set forth in the attached Memorandum.

Respectfully submitted,

MICHELLE M. BAEPPLE
First Assistant United States Attorney

By: /s/ Robert Melching

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MEMORANDUM

A.

On September 19, 2022, a criminal complaint (Case No. 3:22MJ5308) was filed against defendant, Bryan Perry, charging the defendant with violations of federal law. The defendant appeared before this United States Magistrate Judge on September 20, 2022, after having been arrested pursuant to the complaint. At the time of the initial appearance, the defendant waived his right to a preliminary hearing and a detention hearing, and was ordered detained. The matter was bound over to the grand jury. On September 29, 2022, the defendant entered a speedy trial waiver, and this Court issued an extension of time to indict until December 19, 2022.

B.

Title 18, Section 3161 of the United States Code provides that an “information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges.” 18 U.S.C. § 3161(b). In the instant prosecution, the extended period would appear to expire on or about December 19, 2022.

The government submits that a limited extension of the time for filing an information or indictment will serve the ends of justice by affording the parties a meaningful opportunity to explore discovery and resolution. The parties are still in the process of exploring discovery and resolution. It is anticipated that the parties will use the proposed extension of time to ascertain all of the relevant facts, which if accomplished, will serve the interests of justice by potentially rendering grand jury presentation and/or a trial more complete or unnecessary. See United States v. Fields, 39 F.3d 439, 445-46 (3d Cir. 1994) (approving “ends of justice” continuance to allow negotiations to continue). See also United States v. Lewis, 980 F.2d 555 (9th Cir. 1992). If

grand jury presentment proves necessary, the proposed extension of time will serve the ends of justice and promote efficiency by allowing the grand jury panel to consider a full panoply of potential charges.

Undersigned government counsel has spoken with Donna Grill, counsel for defendant, concerning this matter, and is advised that the defense has no objection to the proposed continuance.

For all of the foregoing reasons, the government, pursuant to 18 U.S.C. § 3161(h)(7)(A), respectfully moves this Court to extend the time for filing an information or indictment to February 17, 2023, and to enter a finding under that section that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Respectfully submitted,

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